

**MINUTES  
RANDOLPH COUNTY PLANNING BOARD**

**November 10, 1998**

There was a meeting scheduled at 6:30 p.m., on Tuesday, November 10, 1998, of the Randolph County Planning Board, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. Vice Chairman Bill Dorsett called to Order the Randolph County Planning Board meeting at 6:30 p.m.

*Chairman Maxton McDowell arrived late for the meeting.*

2. Hal Johnson, Planning Director, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice-Chairman, present; Larry Brown, present; Phil Brower, present; Lynden Craven, present; Al Morton, present; Tommy Boyd, present; and Phil Ridge, Alternate, present.
3. Dorsett made the motion, seconded by Craven, to approve the Minutes from the October 6, 1998, Randolph County Planning Board Meeting. The motion passed.

4. **Swearing in of the Witnesses:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

18 citizens took this Oath.

5. **REQUESTS FOR A SPECIAL USE PERMIT:**

A. **STEPHEN PARRIS**, Archdale, North Carolina, is requesting a Special Use Permit be amended to allow an automotive transmission repair shop in an existing 30' x 40' building at his residence located at 6901 Mendenhall Road, 1.20 acres, Trinity Township, Lake Reese Watershed, Zoning Map #6798, Zoning District RA.

**Parris** was present and said that he has closed the upholstery shop that was permitted by Special Use Permit (permit issued August 8, 1995) and this building would only be used for this transmission repair shop, if permitted. Parris said he would only have 1 employee.

**Brower** asked about disposal of fluids. Parris said that Safety Clean provides containers (to store the fluids) and picks the fluids up periodically.

**There was no one present in opposition to this request.**

**Craven** made the motion, seconded by **Boyd**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

B. **GENE ALLRED**, Randleman, North Carolina, is requesting that his Special Use Permit be amended to allow him to construct an additional 30' x 80' storage building at his rural family business located at his residence at 1355 Gene Allred Drive, 11.33 acres, Franklinville Township, Zoning Map #7774, Zoning District RA.

**Allred** explained that he is retired and his son runs the business. The business employs 8 people and manufactures stairways and guardrails. The building is needed to store raw materials and the some of the finished products. The size of operation would not expanded. The business has been in operation for 12 years.

**There was no one present in opposition to the request.**

**Johnson** told the Board that he has never received any adverse phone calls concerning this operation.

**Craven** made the motion, seconded by **Morton**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

**C. OUR STATE NORTH CAROLINA**, Greensboro, North Carolina, is requesting a Special Use Permit to locate a 1879' broadcast tower at the northwest side of the intersection of Lewis Davis road/Davis Country Road, 70+ acres, New Market Township, Randleman Lake Watershed, Zoning Map #7747, Zoning District RA.

**Charlie Browne**, Attorney at Law, said that his clients have received F.A.A. approval for this site and explained that this is not an easy task (he provided a copy of this approval). Browne said that the stations (TV Channel 48 and WMAG Radio) that will occupy this tower are currently on the WFMY-TV tower and when that tower goes to high-definition TV they will need to re-locate. Browne said that his clients feel there is not a feasible alternative to this site. This site and the current TV tower site are only 7/10's of a mile apart and this comes as close as co-location can without being on the same tower. Browne said that the danger from melting/falling ice on a tower comes from the tower itself and not the guide-wires but the prevailing winds go away from the majority of the residences in the area. Browne said he would allow their Project Engineer, **F.L. Watford**, and Project Owner, **Burney Mann**, (who have the expertises to answer such Board questioning) to elaborate.

**Johnson** asked if the closest residence is located within 800 feet of the tower and the tower is 1879 feet, how do you guarantee that the tower will not fall on the home. **Watford** said that 99% of towers come down due to structural failure and the way these towers are anchored - the tower will collapse within itself and the top guide-wire is 200 feet long and if this falls straight out it would be well within the 800 feet.

**Johnson** questioned falling ice from the tower. **Watford** said that 99% of the time ice off the guide-wires slide down the wires (when melting they break away like tubes along the wire and slide down the wire). Watford said that the biggest danger comes from ice off the top of the tower and there is nothing you can do about this except hope the prevailing winds will take it to a safe landing.

**Brower** questioned why they can't continue to co-locate on the existing tower. **Watford** said that the high-definition TV requires a larger antenna and to fix this tower would not be feasible because this would require disassembling 700-800 feet of the top of this tower.

**Morton** asked how high the Channel 2 tower is and **Watford** said it is 1975 feet.

**Brown** questioned why they had requested an extension of their applicant with the F.A.A. Mann answered to locate tenants for the tower.

**Brown** asked if they were aware the N.C.D.O.T., Division of Aviation, had objected to this tower location. **Watford** said no but this was not uncommon for D.O.T. to object.

**Brown** questioned if they were aware that this site was within 4.8 miles of a public airport and also asked if they were aware that they would be within 2 miles of a 4-line major highway once the new 311 was constructed. **Watford** said that they have received approval from F.A.A. and assumed all of this was taken into consideration when this approval was given.

Brown spoke of a case in the State of Washington that is currently in court. **Brown** said that the State had opposed the permitting of a tower location and the County being sued because of an accident involving this tower permitted by the County. **Browne** said he felt the County would not have this liability. **Watford** said that there are cases of suing gun manufacturers because of deaths involving a gun. **Watford** added that people can sue for any reason, that doesn't mean they have a case.

**Dorsett** asked if they had had any public relations with the adjoining subdivision or did they even care. **Mann** said he didn't feel it was a case where they didn't care because this tower would insure the

residents that they will have no additional neighbors (on this site) and this will help the density levels in this area. **Mann** added that they can only go where the Federal Government tells us we can go.

**Brown** said that the representatives at Johnson Airfield told him that they received their letter (from the F.A.A.), to respond, after the cut-off date provided on the letter.

**Browne** said that they are at the mercy of the Federal Government and this site would create very little intrusion and very little timber will be cut for this construction.

**Brown** asked if the F.A.A. told them to locate here. Mann said no, that they found the site and they asked F.A.A. to approve the site. Mann added that the F.A.A. had turned down 8 sites before they approved this one.

**Brower** asked what is involved in putting up another tower at the same site of the Channel 2 tower. **Watford** discussed problems of "ghosting" on tv's when locating a tower within 1/2 mile of another.

**Rita Mintmier**, 6354 Lewis Davis Road, said that she lives in the path of the prevailing winds. Mintmier discussed the Channel 8 tower and how 8 homes had to be relocated. Mintmier said that 1 home experienced falling ice that fell through the roof of the house and down through a closet. Mintmier said that the sites themselves are developed with structures that have cement floors and roofs. Mintmier said that she talked with people (located near the Channel 8 tower) that said that with low cloud coverage the light intensity increases and there is no way to block this light out of your home. These people also told her that on a windy day it sounds like a jet coming through and during the construction of that tower there was damage to homes (dishes falling from cabinets, etc.) and the homeowner insurance companies would not continue to pay for the continued damages. They had to hire an attorney to negotiate the movement of the homes. Mintmier said that they are not opposed to progress, they have sold land in this area for the dam project, but this community has given enough and now its time for progress to go somewhere else.

An adjoining neighbor discussed the issue of a subdivision lot (in Cedar Square Acres) being used as an access. He said he didn't feel this could be permitted through their subdivision.

**Donald Moran**, Davis Country Road, said that people live directly under the tower and they are not shown on these County maps.

**There were 38 citizens present in opposition to this request.** They also presented a petition with 88 signatures of people in the area opposed to this request.

**Nellie Burkett**, 6158 Branson Davis Road, said that she had 2 children living here on Davis Country Road and it seems to her that Mann indicated that they could modify the tower but it would be cost prohibitive - but we would be paying an even higher price.

**Tammy Loflin**, 7309 Davis Country Road, said that she questioned the health hazards of these tower. Loflin said that she is a real estate appraiser and this tower is what they call a "bad neighbor" and this devalues the property and it cannot be fixed. Loflin said you can't be compensated for this.

**Terry Davis**, 1491 Davis Farm Trail, discussed the fact that you cannot always guess the wind patterns.

**Robbie Summers**, adjoining resident, said that the satellite dish owners would have (reception).

**Dorsett** said that he can think of a lot of reasons to turn this request down. Dorsett said that Planning Boards all over the Country are trying to determine how to control these tower locations. Dorsett said we may "almost" have to approve a cellular tower but this type of tower we do not. Dorsett discussed the safety hazard issues, effects on property values, and the esthetic impact this would have on the community. Dorsett said he didn't feel this should be approved.

**Brower** said that he agreed with Bill and that the safety issues haven't been addressed to his satisfaction.

**Dorsett** made the motion, seconded by **Brower**, to **deny** this request for a Special Use Permit. The motion passed unanimously.

## **6. REZONING REQUESTS:**

1. **HOYT DORSETT**, Advance, North Carolina, is requesting that 5 acres located on NC Hwy 49 South (just east of Fire Fighter Road), Concord Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Zoning Map #7608. The Conditional Use Zoning District would specifically allow the development of a 7 lot residential subdivision that would all Class A Mobile Homes, Modular Homes and Site Built Homes.

**Linda Dorsett** (representing the heirs of this property) was present. **Johnson** asked if they had spoken with N.C.D.O.T. concerning these 7 proposed driveway connections to Hwy 49, Dorsett answered no. Johnson asked if the property had been perked, Dorsett answered she didn't think so.

**Ray Voncannon** (represented his in-laws, the Cagle's), presented the Board with a petition of 63 signatures of people in opposition to this request. Voncannon discussed perking problems in the area and also expressed concern this would have on the well problems they are now experiencing. Voncannon said that he would not be opposed to a single house being built on the property but they didn't want to see this many homes being moved on such a small tract of land. Voncannon said this would destroy their rural setting.

**Harry Goodman**, 5736 N.C. Hwy 49, said that he talked to D.O.T. and there are possible sight problems and traffic problems if this is developed. Goodman discussed concern for the children in the area and their safety.

**Greg Arnold**, 5728 N.C. Hwy 49, said that he has given a lot of thought and prayer to this situation. Arnold said that he didn't feel the intent of the developer was for the better of the community and he felt this was just to make a quick dollar. Arnold said he felt this would devalue the property in the area.

**Brent Polloway**, 5798 N.C. Hwy 49, discussed possible problems with the added sewage and the draw this would have on the water table. Polloway said he and his family moved here 1 1/2 months ago to be in the country and he didn't feel this would be in keeping with the country setting of the area. Polloway said that most of the tracts are large here and this would be too high density for this area. Polloway said this is a scenic by-way and we should keep it this way.

**Boyd** said that the property owners can have 5 lots for single-wide mobile homes as it is currently zoned and he felt this would upgrade the current situation if we allowed 7 double-wide mobile homes and permanent foundations.

**McDowell** said he felt this would be down grading the community to allow double-wide mobile homes and didn't feel we should permit this in this area.

**Brower** said that he thought Boyd had a good point and felt we should try to discuss some sort of compromise with the owners.

**McDowell** asked if they would consider modular homes and stick built homes only. Dorsett said she would agree to this. McDowell said then he wouldn't have a problem with this request (with this change).

A question about the driveway permits came up and **Johnson** said his department would see that they had been obtained prior to allowing the lots to be developed.

**McDowell** made the motion, seconded by **Morton**, to recommend to the Commissioners that this request be **approved** with the condition of only site built homes or modular homes. The motion passed unanimously.

2. **ROGER BYERS**, Asheboro, North Carolina, is requesting that 11 acres located on US Hwy 64 East (just east of Foxfire Road), Franklinville Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Zoning Map #7791. The Conditional Use Zoning District would specifically allow the development of a mobile home dealership and an automotive dealership with a 12' x 60' office.

**Byers** said a portion of the property is zoned commercial and he would like to use 3 acres for a mobile home sales lot and allow the remainder to be zoned for other commercial uses.

**Johnson** said that at this time the only thing the Board is considering is a mobile home sales lot or an automotive sales lot and nothing else. **Johnson** said that any other or additional uses would have to go through the public hearing process again. **Byers** said he understood this.

**Jerry Shackelford**, 3105 Indian Springs Road, said that he wanted to tell the Board that he now realizes the awesome responsibility they have. **Shackelford** said that he questioned the site where they are planning this sales lot. **Shackelford** said that he would like to see a barrier of trees and possibly an interior fence (screened) for aesthetic purposes and to help with the noise level. **Shackelford** said that they didn't want to stand in the way of progress but they didn't want to try to work with new development to protect their community.

**Carlos King** said that they own several lots here in Indian Springs and he would stand to lose considerably if a buffer is not considered - question how wide a buffer the Board would consider. **Johnson** said that they would consider a reasonable buffer - possibly 50 feet.

**Dorsett** questioned if Brady Mobile Home Sales had a buffer - **King** answered some.

**Craven** questioned how much impact Brady Mobile Home Sales had on Indian Springs - **King** answered tremendous impact. **Shackelford** said that the operation would not be the tremendous impact but the clearing of the trees would because of the noise that would come from Hwy 64. **Shackelford** said they would like to see a 100' buffer and a fence with a green barrier. **Shackelford** said we are trying to work with progress not impede it.

**Terry Dezern**, Indian Springs Road, said that he would agree with the 100' buffer and fence because this would help with security to prevent people from being able to walk over into their yards.

**William Shier**, property owner beside industrial park across Hwy 64, said that he didn't think Hwy 64 East should become a strip city. **Shier** said he didn't think we needed more mobile home sales lots because there are already 7 or 8 between here and Asheboro. **Shier** said that Hwy 64 shouldn't become solid business from Ramseur to Asheboro.

**Jan Veach**, American Way Realty (representing the applicant), discussed the detail of their plans for the property.

**King** questioned the abandoned mobile home that has been left against their property lines. **Dorsett** said that this zoning change (if approved) would not be allowed to remain in this buffer area.

**Shackelford** questioned the mobile homes being used for residences if this zoning is approved. **Johnson** said they would have to be moved.

**Byers** said he would need to work around this because his son lives in one of the homes and he rents the other.

**Brower** said he felt the Board needed a more detailed site plan.

**Shackelford** said that the neighbors have discussed this situation and they would support this zoning change with all the conditions that have been considered.

**Byers** discussed only being considered for the 3 acres and not the property the mobile homes are on. **Shackelford** said he felt the Board should consider the request they were brought here for. **Byers** said he would continue the request then. **Johnson** said the Board would have to consider a removal time (for the homes). There was a consensus of the Board to give **Byers** 6 months.

**Dorsett** questioned if the dealerships could build additional buildings. **Johnson** said not without coming back before the Board.

**Craven** made the motion to recommend to the Commissioners that this request be **approved** with the following conditions:

\*\*100 feet buffer of natural trees along the south side with a fence (barrier)

\*\*50 feet buffer of natural trees along the east side of the property

\*\*6 months to remove the 3 trailers (1 abandoned & 2 residences)

**Dorsett** seconded the motion and the motion passed unanimously.

3. **ROGER HEDRICK**, Trinity, North Carolina, is requesting that 1.50 acres (out of 8 acres) located on Millers Mill Road, Trinity Township, be rezoned from Residential Restricted to Highway Commercial/Conditional Use. Zoning Map #7726. Lake Reese Watershed. The Conditional Use Zoning would specifically allow the construction of a driving range facility with a 24' x 36' building.

**Paul Hedrick**, Roger Hedrick's son, 4982 Millers Mill Road, said that the lights would be directed toward the woods where there are no homes and their operation hours would be 11:00 a.m. to 9:00 p.m.

**Brower** questioned if the neighbors did have problems with the lights and the stray golf balls. **Hedrick** assured the Board that if there were any problems they would work them out with the neighbors but they currently own all the property surrounding this site.

**There was no one present in opposition to this request.**

**Craven** made the motion, seconded by **Morton**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

7. The meeting adjourned at 8:53 p.m. There were 86 citizens present for this hearing.

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**NORTH CAROLINA**

**RANDOLPH COUNTY**

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Planning Director

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Date Clerk/Secretary